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"Perricaudet application(s)"). Applicants request that the Examiner indicate claims which can form a basis for a proposed count with the above-identified patent applications, and appreciate the Examiner's guidance in placing the present application in condition for allowance.

The subject matter of all of the above patent applications relates to the use of adenoviruses as expression vectors for tumor suppressor genes. The subject matter involves a new, complex, and important technology in which Applicants believe no U.S. patents have issued. Premature issuance of a patent to a party without correct determination of priority may result in irreparable harm to commercial and research interest of all of the organizations in this technology area. It is essential claims of appropriate scope issuing in this novel and important technology be awarded to the correct first inventor.

Applicants' pending application claims priority to an application U.S. Patent Application No. 08/142,669, which was filed on October 25, 1993. This date is prior to the earliest priority date claimed in the Roth application, i.e., October 29, 1993 (U.S. Patent Application No. 08/145,826). The Perricaudet PCT application claims priority to a French application, 93/04745, filed April 22, 1993. (Copies of the cover sheets for these PCT applications are attached.) As the U.S. was designated, Applicants believe that at least one U.S. application may exist with claims of comparable scope to the PCT application.

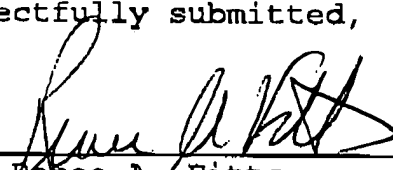
It is submitted that the present facts require that an analysis for a possible interference be undertaken between Applicants' Gregory application and any pending Roth or Perricaudet applications. Applicants respectfully request that the Examiner indicate what additional information, if any, may be required for the Examiner's analysis.


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If the Examiner believes a telephone conference would be helpful, please telephone the undersigned at (415) 326-2400.

Respectfully submitted,



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